IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 5821 of 2004 (O&M)

Date of decision : 30.10.2006.

Sate Ram

.....Petitioner.

Versus

Puran alias Doni & Anr.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Rakesh Gupta, ,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the orders passed by the learned Courts below allowing the application moved by the plaintiff-respondent under Orders 39 Rule 1 & 2 C.P.C.

The plaintiff in the suit has sought the injunction against the defendants from interfering in the possession of the house in dispute. In the defence, the defendant No.1, who is brother of the plaintiff claimed that he had sold the property to defendant No.2 and handed over the possession. Agreement is said to be dated 6.11.2003. The same is not registered and,therefore, in view of the amendment made in the Registration Act, the petitioner herein is not even entitled to benefit under Section 53-A of the Transfer of Property Act. The learned Courts below held that plaintiff was prima facie proved to be in possession of the property in dispute and, therefore, was entitled to injunction.

There is no illegality in the impugned orders which may call for interference by this Court.

Dismissed.

October ,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**